

July 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0284

Vicki L. Elborne

Matoaca Magisterial District
6806 Velvet Antler Court

REQUEST: A five (5) foot Variance to the ten (10) foot side yard setback requirement for an attached garage in a Residential (R-12) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 6806 Velvet Antler Court. Tax ID 728-672-9647 (Sheet 15).

Existing Zoning:

R-12

Size:

.5 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential
South - R-12; Residential
East - R-12; Residential
West - R-12; Residential

Utilities:

Public water and sewer

Transportation:

This request will not cause a sight distance problem along Velvet Antler Court.

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicant is proposing to construct an attached garage five (5) feet from the side property line (see attached site plan). The Zoning Ordinance requires a ten (10) foot setback requirement. Therefore, the applicant requests a five (5) foot Variance.

The applicant provides the following justification in support of this request:

I would like to have an eighteen (18) foot by twenty-four (24) foot garage attached to the house. Due to the ten (10) foot allowance, this does not give enough room to build the garage large enough to make the expense worthwhile. A five (5) foot Variance would allow for an adequate garage and storage space. An attached garage is also a safety factor to a female who lives alone.

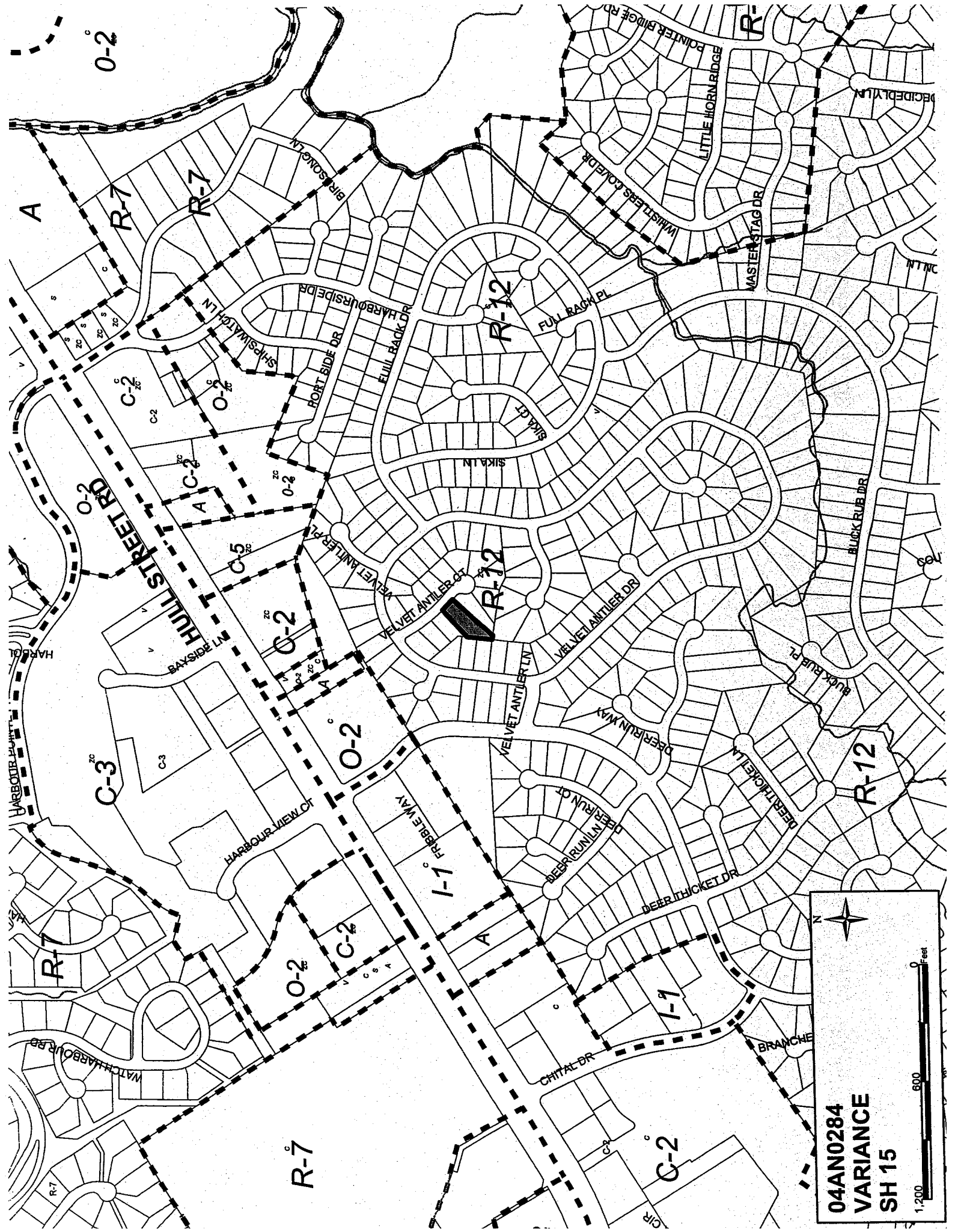
Staff has reviewed the attached site plan and the applicant's proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the proposed addition could be redesigned or relocated on the property where it would meet setbacks and eliminate the need for this request.

Because an alternative exists and the applicant has not provided evidence of extraordinary conditions, staff does not support this request.

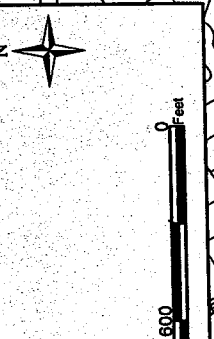
Should the Board of Zoning Appeals approve this request, it should be applicable to this garage addition only. Other additions could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

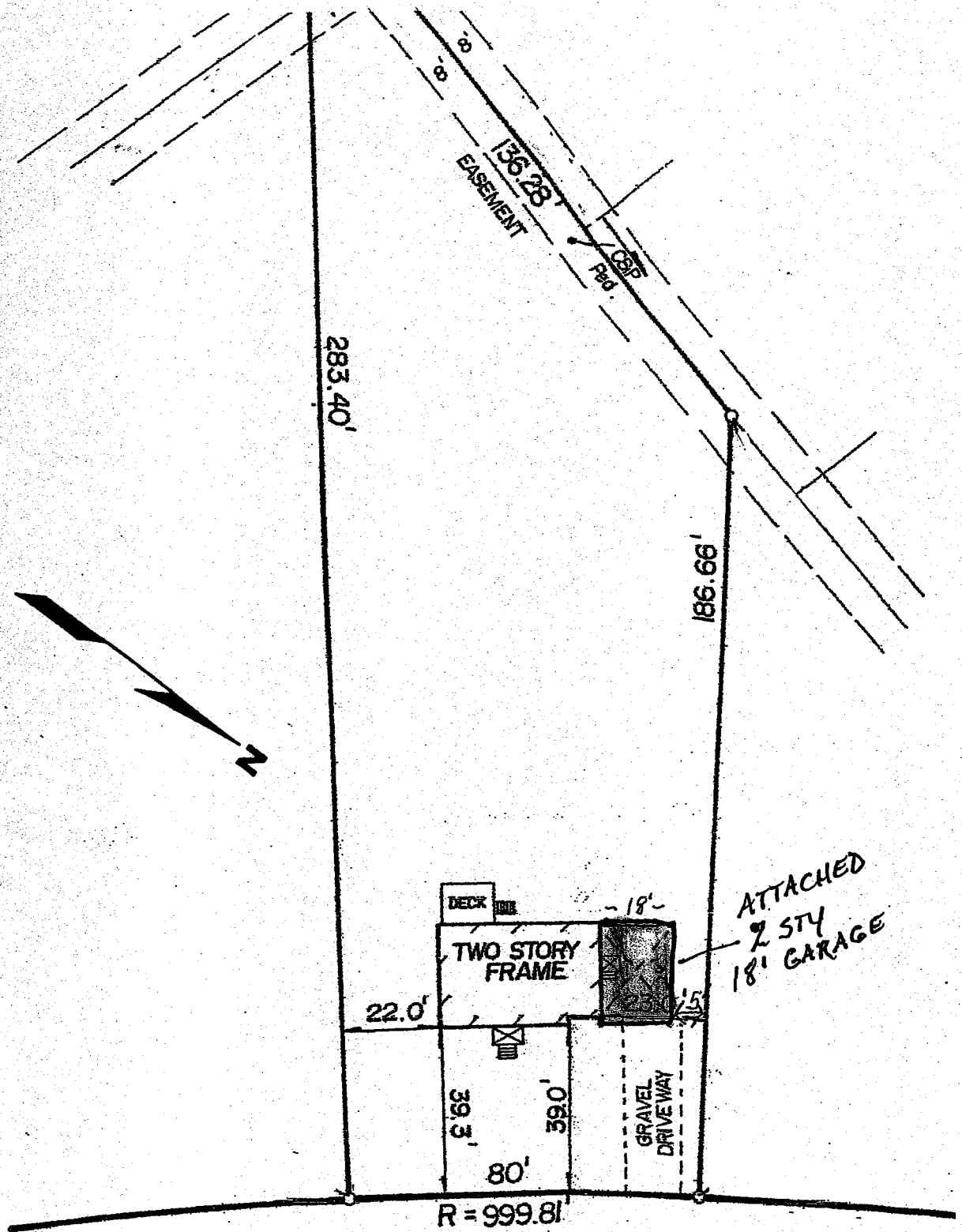
CONDITION

This Variance shall be for the proposed attached garage as depicted on the plat attached to staff's report.



04AN0284
VARIANCE
SH 15





VELVET ANTLER COURT

04AN0284-1